

Appn. No. 09/955,858
Amendment dated December 16, 2004
Reply to Office Action of July 23, 2004

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The July 23, 2004 Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

CLAIM OBJECTIONS

In the Office Action, claim 3 is objected to as being dependent upon cancelled claim 2. In response, claim 3 is amended to be dependent upon claim 1. In view of the amendment of claim 3, reconsideration and withdrawal of the objection to claim 3 are respectfully requested.

PRIOR ART REJECTIONS

In the Office Action, claims 1 and 3 are rejected under 35 USC 102(b) as being anticipated by USP 4,471,386 (Tuhro). Claims 4 and 6 are rejected under 35 USC 103(a) as being unpatentable over Tuhro in view of USP 5,874,219 (Rava et al.). Claims 5, 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over

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Tuhro in view of USP 6,458,601 (Kimura et al.) and in further view of the Webster Dictionary.

In response, claim 1 is amended to more clearly define the present claimed invention over the cited reference.

The present claimed invention as defined by amended claim 1 is directed to an image data acquisition method including scanning a sample, which includes a plurality of spots on a substrate, with a beam, and acquiring scanned image data for each of a plurality of regions into which the substrate is divided by receiving light from the sample. The method also includes sequentially obtaining the scanned image data of one divided region every time a region scanned with the light reaches a size of the one divided region. The region has a plurality of scanning lines including a start scanning line and a stop scanning line. The stop scanning line determines a boundary with respect to a next divided region. The method also includes determining a fluorescent intensity of at least the stop scanning line wherein if the fluorescent intensity of the stop scanning line is greater than a predetermined threshold, a position of the stop scanning line is adjusted such that the fluorescent intensity of the stop scanning line is less than the predetermined threshold wherein the boundary of the divided

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region does not overlap with the plurality of spots on the substrate.

USP 4,471,386 (Tuhro) is directed to a method and apparatus for composing documents for scanning. Tuhro teaches that where it is desired to avoid scanning an area of the document, the boundaries of the area are delineated by applying a retro-reflective material to the document to form control marks. The position of the marks determines the boundaries of the unscanned area in the scan direction while the length or height of the marks determines the boundaries of the unscanned area in the cross scan direction. See column 4, lines 33-48 of Tuhro.

In contrast to Tuhro, in the present claimed invention a substrate is divided into a plurality of regions and each of the plurality of regions is scanned by receiving light from the sample (see claim 1, lines 5-7).

The present claimed invention also sequentially obtains scanned image data of one divided region every time a region scanned with the light reaches a size of the one divided region. The scanned region has a plurality of scanning lines including a start scanning line and a stop scanning line. The stop scanning line determines a boundary with respect to a next divided region (see claim 1, lines 8-14).

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In addition, the present claimed invention requires determining a fluorescence intensity of at least a stop scanning line. If the fluorescence intensity of the stop scanning line is greater than a predetermined threshold, a position of the stop scanning line is adjusted such that the fluorescence intensity of the stop scanning line is less than the predetermined threshold. The boundary of the divided region does not overlap with the plurality of spots on the substrate (see claim 1, lines 15-22).

None of the aforementioned features of amended claim 1 are disclosed, taught or suggested in Tuhro.

Even further, none of the references of record close the gap between the present claimed invention as defined by amended claim 1 and Tuhro. Therefore, claim 1 is patentable over Tuhro and all of the references of record when taken either alone under 35 USC 102 or in combination under 35 USC 103.

Claims 3-6 and 8-9 are dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in the dependent claims.

In view of the foregoing, claims 1, 3-6 and 8-9 are in form for immediate allowance, which action is earnestly solicited.

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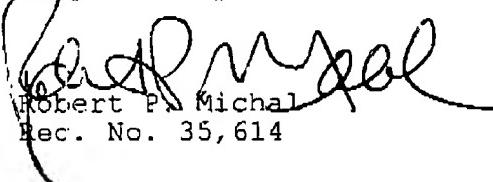
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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Robert P. Michal
Rec. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2032
Tel. (212) 319-4900
Fax (212) 319-5101
RPM/ms

Encl.: Petition For Extension of Time